

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-120

STEPHEN METZLER,

Defendant.

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**ORDER DENYING EARLY TERMINATION OF PROBATION**

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On October 7, 2005, Defendant Stephen Metzler was sentenced to five years probation with six months of house arrest, and a \$5,000.00 fine for hiring aliens unauthorized for employment in violation of 8 U.S.C. § 1324a(a)(1)(A). After having served approximately thirty-nine months on probation, Defendant has now filed a motion for early termination. Defendant acknowledges that he has been convicted for operating while under the influence in October of 2007, for which he received a sanction from this Court of thirty days on electronic monitoring. Defendant notes that, with that one exception, he has done well on probation and argues that the interests of justice would not be hampered or devalued by early termination. While acknowledging that the Court has discretion to order early termination, the Government expresses concern that early termination may be inconsistent with the need for the sentence to provide a just punishment and, further, it may undermine general deterrence.

The Court shares the Government's concern that early termination would constitute a significant reduction of a sentence that is already substantially below the guideline range. The Court

imposed a relatively lenient sentence in consideration of the positive characteristics of the Defendant's life, as well as the serious health problems of his late wife. While it is true that the Defendant's only apparent violation is the OWI offense, this is by no means a minor violation. Operating While Intoxicated is a serious offense by itself, but the fact Defendant was on probation seriously aggravates it. Moreover, while probation may be an inconvenience at this time, it does not prevent the Defendant from carrying out his job responsibilities and meeting his other obligations. Based upon the foregoing, the Court concludes that the motion should be **DENIED**.

Dated this 3rd day of February, 2009.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge